

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

XAVIER HUMPHRIES,)	
)	
Plaintiff,)	
)	
vs.)	
)	
DAVID STRIEGEL, RICHARD SOTO JR.,)	
CITY OF CHICAGO, and UNKNOWN)	
CHICAGO POLICE OFFICERS,)	
)	
Defendants.)	JURY TRIAL DEMANDED

COMPLAINT

NOW COMES the Plaintiff, XAVIER HUMPHRIES, by and through his attorney, GIGI GILBERT, and complaining of Defendants, DAVID STRIEGEL, RICHARD SOTO JR., CITY OF CHICAGO and UNIDENTIFIED OFFICERS, alleges as follows:

NATURE OF THE CASE

1. This suit arises from the violation of civil rights of Plaintiff, XAVIER HUMPHRIES, for false arrest and excessive use of force in violation of Title 42 U.S.C. § 1983 and state law claims for malicious prosecution, respondent superior and indemnification.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983 Jurisdiction is based upon 28 U.S.C. §§ 1331, 1332 and 1367. The Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367 because the state law claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

VENUE

3. The violation of civil rights alleged herein was committed within the Northern District of Illinois to wit: the City of Chicago, County of Cook, State of Illinois. This action properly lies in the United States District Court, Northern District of Illinois, Eastern Division.

PARTIES

4. Plaintiff, XAVIER HUMPHRIES, (“HUMPHRIES”), is a 29 year old African American male who resides in Chicago, Illinois located in the Northern District of Illinois.

5. Defendants, DAVID STRIEGEL (“STRIEGEL”), RICHARD SOTO JR., (“SOTO”) and UNKNOWN OFFICERS, were at all times relevant hereto, employed as police officers by the Chicago Police Department, an agent of the CITY OF CHICAGO and acting under color of state law. CITY OF CHICAGO is a municipal corporation.

BACKGROUND

6. On February 18, 2019 Plaintiff, HUMPHRIES, was at the Chicago Transit Authority station located at 1 W. CTA Platform Street, commonly referred to as the O’Hare stop on the CTA BlueLine, Chicago, Illinois.

7. Defendants, STRIEGEL and SOTO alleged that HUMPHRIES did not pay his fare, arrested him without probable cause and charged Plaintiff via a Misdemeanor Complaint with Theft of Labor/Services under 720 ILCS 5/16-3-A.

8. Defendants, STRIEGEL and SOTO used excessive force to place HUMPHRIES under arrest.

COUNT I - 42 U.S.C. § 1983 – FALSE ARREST

9. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

10. Defendants, STRIEGEL and SOTO arrested HUMPHRIES without probable cause to believe that he had committed, was committing or was about to commit a crime.

11. Defendants, STRIEGEL and SOTO's false arrest of HUMPHRIES was done with malice and/or reckless indifference to his federally protected rights.

12. As a direct and proximate result of Defendants, STRIEGEL, SOTO and UNIDENTIFIED OFFICERS' actions, Plaintiff, HUMPHRIES suffered and continues to suffer mental anguish, psychological and emotional distress, pain and suffering, and economic losses, some or all of which may be permanent.

WHEREFORE, Plaintiff, XAVIER HUMPHRIES, prays that this Honorable Court enter a judgment in their favor and against Defendants, DAVID STRIEGEL, RICHARD SOTO JR., and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Reasonable attorney's fees and costs; and
- (d) Such other and further relief as this court deems reasonable.

COUNT II - 42 U.S.C. § 1983 - EXCESSIVE FORCE

13. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

14. Under the totality of circumstances Defendants, STRIEGEL and SOTO used greater force than was reasonably necessary in violation of Fourth and Fourteenth Amendment Rights of the United States Constitution and was in violation of said rights protected by 42 U.S.C. §1983 while arresting HUMPHRIES in that the Defendants hit and slammed Plaintiff into a wall among other acts of excessive use of force. After HUMPHRIES was arrested by Defendants STRIEGEL and SOTO he was transported to Presence Resurrection Medical Center.

15. Defendants, STRIEGEL, SOTO, and UNIDENTIED OFFICERS' excessive force was done with malice and/or reckless indifference to their federally protected rights.

16. As a direct and proximate result of Defendants, STRIEGEL, SOTO and UNIDENTIED OFFICERS' actions, Plaintiff, HUMPHRIES suffered and continues to suffer mental anguish, psychological and emotional distress, pain and suffering, and economic losses, some or all of which may be permanent.

WHEREFORE, Plaintiff, XAVIER HUMPHRIES, prays that this Honorable Court enter a judgment in their favor and against Defendants, DAVID STRIEGEL, RICHARD SOTO JR., and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Reasonable attorney's fees and costs; and
- (d) Such other and further relief as this court deems reasonable.

COUNT III – STATE LAW MALICIOUS PROSECUTION

17. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

18. Defendants, STRIEGEL, SOTO, and UNIDENTIED OFFICERS' commenced and/or continued criminal proceedings against HUMPHRIES by charging him with Theft of Labor/Services under case # 19118617301 in the Circuit Court of Cook County, Illinois.

19. There was no probable cause or legal justification to commence or continue criminal proceedings against HUMPHRIES.

20. On March 5, 2019 the criminal proceedings were resolved in HUMPHRIES' favor in that the Cook County Assistant State's Attorney SOL'd or dismissed the criminal charges.

21. As a direct and proximate result of Defendants, STRIEGEL, SOTO and UNIDENTIFIED OFFICERS' actions, Plaintiff, HUMPHRIES suffered and continues to suffer mental anguish, psychological and emotional distress, pain and suffering, and economic losses, some or all of which may be permanent.

WHEREFORE, Plaintiff, XAVIER HUMPHRIES, prays that this Honorable Court enter a judgment in their favor and against Defendants, DAVID STRIEGEL, RICHARD SOTO JR., and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in the amount to be determined at trial;
- (c) Such other and further relief as this court deems reasonable.

COUNT IV – STATE LAW RESPONDEAT SUPERIOR

22. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

23. In committing the acts described in the preceding paragraphs, Defendants, STRIEGEL, SOTO, and UNIDENTIFIED OFFICERS were members and agents of the CHICAGO Police Department an agent of the CITY OF CHICAGO and acting at all relevant times within the scope of their employment.

24. Defendant, CITY OF CHICAGO, is liable as principal for all torts committed by its agents.

WHEREFORE, Plaintiff, XAVIER HUMPHRIES, prays that this Honorable Court enter a judgment in their favor and against Defendants, DAVID STRIEGEL, RICHARD SOTO JR., and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Reasonable attorney's fees and costs; and

(c) Such other and further relief as this court deems reasonable.

COUNT V-STATE LAW INDEMNIFICATION

25. Each of the foregoing Paragraphs is incorporated as if restated fully herein.

26. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

27. Defendants, STRIEGEL, SOTO and UNIDENTIFIED OFFICERS were employees of the CHICAGO Police Department an agent of the CITY OF CHICAGO, acting within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff, XAVIER HUMPHRIES, prays that this Honorable Court enter a judgment in their favor and against Defendants, DAVID STRIEGEL, RICHARD SOTO JR., and UNIDENTIFIED OFFICERS for the following relief:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Reasonable attorney's fees and costs; and
- (c) Such other and further relief as this court deems reasonable.

Respectively Submitted,

By: //s// Gigi Gilbert_____

Gigi Gilbert
Attorney for Plaintiff
53 W. Jackson, Suite #356
Chicago, IL 60604
(312) 554-0000
(312) 554-0015 fax
A.R.D.C.#: 6199394
gigigilbert@gigigilbert.com